DECISION NOTICE
AND
FINDING OF NO SIGNIFICANT IMPACT
For

North Shore Commercial Outfitter-Guide Snowmobile and Grooming Operations

USDA FOREST SERVICE
LAKE TAHOE BASIN MANAGEMENT UNIT

PLACER COUNTY, CALIFORNIA
April 2003

The Proposed Action:

The Proposed Action is to issue long-term (5-year) special use outfitter guide permits for Over Snow Vehicles (OSVs) to commercial vendors to operate in the North Shore area of the Lake Tahoe Basin. An interdisciplinary team (IDT) prepared an Environmental Assessment (EA) addressing the environmental effects of implementing the Proposed Action and alternatives, including a No Action Alternative. The EA identified the Proposed Action as the preferred alternative.

The EA was prepared to determine the level of commercial outfitter-guide snowmobile operations with the associated grooming in the North Shore area of the Lake Tahoe Basin; to evaluate impacts to resources from commercial snowmobiles and grooming; to determine if non-motorized users will have a safe recreational experience in the North Shore area, and to minimize user group conflicts.

The Decision:

Based upon the analysis documented in the EA, it is my decision to implement the Proposed Action, which was identified as Alternative 1 in the EA. Special Use Permits (SUP) will be issued for a 5-year term. The total amount of commercial outfitter-guided snowmobile use allowed will be a maximum of 142 snowmobiles per day (including guides). This amount of use is similar to the levels that had been authorized during the period 1991-1999. Authorized use will be restricted to designated groomed routes, and play areas at Watson Lake and the Cinder Cone. A minimum of 12" of snow will be required before any outfitter-guide can operate. Outfitter guides will groom designated routes. No grooming will be allowed within the play areas. In those play areas, and on the access routes to the Cinder Cone play area and Painted Rock Vista point, a minimum of 24" of snow will be required before outfitter-guides will be authorized to operate. There are no designated route restrictions within the identified play areas. Commercial snowmobile tours will be limited to daylight hours. Public (non-commercial) snowmobile use will continue, as well as winter non-motorized recreation use throughout the North Shore area of the Lake Tahoe Basin, including on groomed travel routes.

Alternative 1 includes mitigation measures (reference 2.8 in the EA) that were common to all of the action alternatives:

1. To minimize potential conflicts, and to work towards assisting users in the North Shore area to have greater tolerance for each other, a Recreation Opportunity Guide (ROG) will be prepared that identifies the range of winter opportunities available in this area. The ROG will inform visitors there is a limited amount of National Forest in the Lake Tahoe Basin, and not all areas can be dedicated to a single recreation activity. The ROG will also include basic information on common courtesy, on trail sharing, snowmobile etiquette, and the importance of encouraging snowmobile operators to slow down when approaching other winter recreationists (motorized and non-motorized).
2. All commercial outfitter-guide operators will be required to have snowmobiles with 4-stroke or similar technology that will meet the projected Environmental Protection Agency (EPA) emission standards when those emission standards become mandated in 2006 (i.e. all snowmobiles authorized to operate after January 1, 2006 under the special use outfitter-guide permit will be compliance with all 2006 EPA standards).
3. All machines operated under commercial outfitter-guide special use authorization will be required to meet the existing vehicle code requirements for regulating noise limits.

In making this decision, I intend that these mitigations will be implemented.

Reasons for the Decision:

The Proposed Action (Alternative 1) was chosen over Alternative 2 (Expanded Areas), Alternative 3 (Reduced Outfitter-Guide Use), and Alternative 4 (No Outfitter-Guide Use), because the Proposed Action alternative not only met the identified Purpose and Need and was consistent with all applicable laws and policies, it also provided a level of authorized use and associated grooming over a designated system of routes that allows an appropriate mix and balance of recreational opportunities for both commercial snowmobilers and non-motorized winter recreationists in the project area. This alternative provides a diversity of winter recreation opportunities while minimizing impacts to resources and non-motorized users. Past experience and monitoring indicates that this alternative is the most appropriate action to protect resources, provide motorized and non-motorized opportunities and minimize social conflicts. All comments, applicable laws and policies and significant issues were taken into consideration before a decision on the EA was made.

Findings Under Applicable Laws, Regulations and Policies:

The decision is consistent with the Lake Tahoe Basin Management Unit Land and Resource Management Plan (Forest Plan), the National Forest Management Act (36CFR 219.27), the Clean Air Act, the National Historic Preservation Act, the Migratory Bird Treaty Act, and the Tahoe Regional Planning Agency Regional Plan (reference sections 1.4., 1.4.1.3. and 1.8 of the EA).

Public Involvement:

Public scoping for the EA began in May 2001, with letters sent to 20 individuals, groups, organizations and agencies. News releases were published in the Tahoe World, Tahoe Daily Tribune, and the Reno Gazette Journal during the week of May 15th. An Open House public meeting was held on May 30, 2001. The Forest Service received 243 responses. Those comments were summarized and reviewed by the interdisciplinary team. Issues studied in detail (section 1.7.2. of the EA), were determined by the IDT to be relevant to the decisions that must be made. They influenced the initiation, development and technical design of the project. The primary issues so identified and analyzed include: 1. Non-motorized users recreation experience disturbed by snowmobiles. 2. Impacts to air quality and water quality from snowmobiles. 3. Over Snow Vehicle (OSV) effects on sensitive wildlife. 4. Impacts of snow grooming (reference section 1.7.2 in the EA).

The EA was sent out for public pre-decisional review in August 2002. A legal notice was published in the three primary Tahoe area newspapers notifying the general public of a 30-day comment period. In addition, the EA was placed in the LTBMU website. Approximately 500 pre-decisional comments were received. Those comments were reviewed and addressed in a Response to Comments section of the EA (reference Appendix C of the EA).

Alternatives Analyzed in the EA:

- **Alternative 1** (Proposed Action): Commercial outfitter-guide use would be limited to 142-snowmobiles per day (including guides) as long as there is a minimum of 12" of snow on groomed routes. With the exception of two play areas (Watson Lake and Cinder Cone), all use would take place on designated, groomed routes. A minimum of 24" of snow would be required in the two play areas.
- **Alternative 2**: Under this alternative, commercial outfitter-guide use, including guides would be 142-snowmobiles per day (same as Alternative 1). However, commercial use would be allowed over all National Lands within the project area as long as there is a minimum of 12" of snow on groomed routes and 24" off of designated routes. Limited night-time tours would also be authorized (not authorized under Alternative 1).
- **Alternative 3**: Under this alternative, commercial outfitter-guide use would be reduced by approximately 50% (82 snowmobiles per day including guides). Commercial use would be restricted to designated groomed routes and play areas (same as Alternative 1).
- **Alternative 4**: This is the No Action alternative. Under this alternative, there would be no commercial outfitter-guide snowmobile operations. Grooming for public use would be allowed to continue, with a minimum of 12" of snow, as well as public and non-motorized recreation use of the project area.

Finding of No Significant Impact:

Based upon the nature and extent of the Proposed Action, contents of the EA, and the guidelines as contained within the LTBMU Land and Resource Management Plan, I have made the determination that this action will not significantly affect the quality of the human environment. Therefore, an environmental impact statement is not needed. This determination is also based on the following factors:

1. There are no known individual environmental effects associated with this decision that are of a magnitude or severity that can be considered as irreversibly committing resources or irretrievably causing a loss in wildlife habitat, soil productivity, water quality or
2. vegetation production. The EA utilized what is considered to be the best objective research available (reference 4.5 and 4.4.1 in the EA).
3. The Proposed Action is expected to have little affect upon public health and safety. The EA has made a determination that "considerable adverse effects" (as detailed in Forest Service Manual 2355.05) would not occur under the action alternatives (reference Appendix C of the EA). Under Section 4.2 of the EA ("Effects common to all alternatives"), public safety, visitor contact, regulation enforcement, and resource programs et al, would be monitored under all alternatives to ensure applicable standards are maintained. In addition, in Appendix C, is reference to the monitoring conducted by Forest Service personnel to evaluate if "conflict" exists in the project area; it was concluded a significant level of conflict (between users or on public health and safety) does not exist. The Proposed Action will not change that determination.
4. No unique natural features within the project geographic area would be adversely affected by this decision (reference 4.4.1.1. in the EA).
5. The effects on the quality of the human environment by implementing the Proposed Action is not likely to be highly controversial over the degree of harm or effect. The EA does not conclude that the quality of the human environment is degraded by the Proposed Action (reference Appendix C. in the EA). Also, the environmental consequences of Alternative 1 (Proposed Action- reference Chapter 4 of the EA), indicate there is no determination of resource harm that would have an effect on the quality of the human environment.
6. The actions in this decision will not establish a precedent for future actions with significant effects nor does it represent a decision in principle about a future consideration. As stated in the EA, another NEPA based decision will be made in 5-years (reference 1.2 in the EA).
7. There are no known significant cumulative effects between this project and other projects implemented or planned on adjacent National Forest or private land areas (reference 2.9 in the EA).
8. There are no known effects on the human environment that are highly uncertain or involve unique or unknown risks. (reference Appendix C of the EA and FSM 2355.05).
9. The action is not related to other actions which individually have insignificant effects, but that cumulatively have the potential to result in significant impacts upon the human environment (reference 4.2.2.2. in the EA).
10. There is no potential for adverse effects of the action upon sites that are listed, or eligible to be listed in the National Register of Historic Places, or could cause a loss or destruction of significant cultural or historic resources (reference 1.8.2 in the EA).
11. There is no potential for this action to adversely affect a species that is listed, or is being evaluated for listing, as an endangered or threatened species under the Act of 1973 (reference the BA/BE completed for the EA 4.5.1.).
12. The action does not threaten the violation of federal, state or local law or requirements imposed for the protection of the environment. The Proposed Action will be carried out in such a way that it is consistent with standards and guidelines, management requirements and mitigation measures established in the EA, LTBMU Land and Resource Management Plan, and the Tahoe Regional Planning Agency Regional Plan (reference 1.1, 1.4.1.3. and 1.8 of the EA).

Implementation Date:

If no appeals are received, implementation of this decision will begin no sooner than five business days after the close of the 45-day appeal period. If an appeal is received, a stay of implementation will continue until at least fifteen days after appeal disposition. If affirmed upon appeal, a special use permit will be prepared and processed to authorize implementation of this decision, beginning with the 2003-2004 winter season.

Administrative Review and Appeal Rights:

My decision is subject to appeal pursuant to 36CFR215. Appeals must be filed within 45-days from the publication of the legal notice for this decision in the Tahoe Daily Tribune. The 45-day period should end on or about May 15, 2003. Notices of appeal must meet the specific content requirements of 36 CFR 215.14. Your notice of appeal should: state under which regulation your appeal is being filed, include your name, address, and telephone number, identify this decision being appealed (include the title of this document, its date and the name and title of the Forest Officer who signed it); specify that portion of the decision to which you object or identify the specific change(s) in the decision that you seek; state how the decision fails to consider comments previously provided; and if applicable, state how the decision violates law, regulation or policy. Appellants must meet the requirements of 36 CFR 215.11.

Your notice of appeal must be filed with the Appeal Deciding Officer. File notices of appeal for this decision with: Regional Forester, USDA Forest Service, 1323 Club Drive, Vallejo, California 94592; Attention: Appeals.

This decision is also subject to appeal pursuant to 36 CFR 251. Appellants must meet the requirements described under 36 CFR 251.86. No decision may be appealed by the same person under both appeal regulations. To initiate an appeal under 36 CFR 251, a copy of your written Notice of Appeal must be filed with the Reviewing Officer, the Regional Forester, at USDA Forest Service, 1323 Club Drive, Vallejo, California 94592; Attention: Appeals, and another copy sent simultaneously to my office within 45-days from the date this decision was made, on or about April 1, 2003.

Contact Person:

For additional information regarding the North Shore Commercial Outfitter-Guide Snowmobile and Grooming Project EA, contact: Don Lane at 870 Emerald Bay Road, South Lake Tahoe, California 96150 (dlane@fs.fed.us).

Approved By: _s/ Maribeth Gustafson_____
MARIBETH GUSTAFSON LTBMU Forest Supervisor

Date of Decision: ___March 26, 2003_____

North Shore Commercial Outfitter-Guide Snowmobile and Grooming Project Environmental Assessment

Appendix C. Pre-Decisional Comments Response

April 1, 2003

A. Comments that the conflict between motorized and non-motorized uses has not been adequately addressed in the EA.

Alternative 1 does nothing to mitigate the unacceptable level of conflict between motorized and non-motorized users in the area.

Under Alternative 1, commercial outfitter-guide (OFG) use is restricted to designated routes (24.1 miles and two play areas, directly affecting 125 acres), while non-motorized users have no restrictions over the entire project area of 9453 acres. The EA indicates that non-motorized recreationists who wish to avoid commercial OFG use would avoid the designated routes. In addition, since most public snowmobiles also use the designated/groomed routes, non-motorized recreationists would also potentially have fewer encounters by avoiding those routes. The EA recommends development of a Recreation Opportunity Guide (ROG) on trail etiquette by all users (reference 2.8.1).

Allowing more snowmobile use in effect denies use by non-snowmobiles and discriminates against us.

None of the alternatives propose an increase over past levels of authorized OFG snowmobile use. The EA has identified a maximum authorized level of OFG use under its action alternatives that (reference 2.4, 2.5.) "would be similar to the commercial snowmobile OFG use previously authorized under 5-Year permits from 1991-1999."

The Forest Service has done nothing to quantitatively determine the degree to which the commercial use in the project area adversely affects non-motorized users.

Field counts and interviews (reference 3.2.5) conducted in recent years by Forest Service winter monitoring patrol personnel in the North Shore project area do not reflect an adverse user conflict situation on the groomed system.

Why should 6000 people a year be stopped from enjoying a nice snowmobile ride so only 200 to 300 people a year can go XC skiing by themselves?

Under all alternatives, public snowmobile riding would continue. The action alternatives would allow commercial snowmobile use to continue.

Item 4.2.2.3 makes incorrect assumption (Alternative 2) would increase the encounters between motorized and non-motorized users, and more complaints.

The EA interdisciplinary team (IDT) concluded there would likely be more encounters under Alternative 2 because this alternative would allow commercial OFG operations to take place on most of the National Forest lands within the project area, including around the urban interface where non-motorized access is most likely.

EA fails to mention that most of the public snowmobile use occurs off the trail.

Data from field monitoring counts and interviews within the project area indicates that approximately 1500 (public) snowmobiles and 200-300 cross-country skiers use the groomed routes. This constitutes the great majority of public snowmobile users. The EA also indicates (reference section 3.2.5.) that there is no information available to definitively state the total number of public motorized or non-motorized recreational use that enters/exits the project area via the urban interface. There are approximately 300-350 local resident snowmobilers (from Kings Beach to Tahoe City) who ride in the project area. Public snowmobile use is allowed throughout the project area as long as there is a minimum snow cover of at least 6" of snow. Consequently, while it is established that most public snowmobilers do ride on the groomed routes, they can and do ride off the groomed corridor.

EA incorrectly stated that Alternative 2 would increase encounters near the urban interface, because the urban interface is at a lower elevation with less snowpack.

The EA indicates under Section 4.2.4.2. "…it is anticipated that commercial tours would not use the lower elevations near the urban interface due to residential problems, lack of snow later in the year, and reduction in quality of riding attributes." Alternative 2 would expand the authorized area for commercial snowmobile operations (reference 4.2.2.3.) with the likelihood of more encounters along the urban interface. However, such encounters would be dependent on available snow cover.

This EA is devoid of any analysis into the extent and degree that motorized recreation degrades all other recreation in the area. Just referencing ROS (recreation opportunity spectrum) is perfunctory and merely a conclusion.

Through interviews and complaints received, the EA states that conflicts exist between some motorized winter recreationists and non-motorized winter recreationists, and that conflicts have been most notable along the urban fringe of the project area (reference 3.2.5). The extent and degree of those conflicts do not support the conclusion that motorized recreations degrades all other recreation in the area.

The importance of the discussion of ROS within the EA is that it provided the IDT with the current management framework that will apply to the National Forest lands within the North Shore project area. The ROS designations were developed and adopted through the Forest Plan process (with accompanying Environmental Impact Statement {EIS}). The designation of areas as "Roaded Natural" or "Urban," provides the land managers with a desired standard as to such elements as "setting, level of acceptable development, encounters and a general description of the 'accepted' range of recreation opportunities within that ROS setting." Within the North Shore project area, typical

recreation activities that are compatible with the ROS setting include cross-country skiing, snowshoeing, snowmobiling and hiking. The adoption of any of the action alternatives, considered in detail in the EA would not change the ROS classification within the project area. Additional discussion is contained within the EA regarding non-motorized recreationists in section 4.2.5.and 3.2.5.

B. <u>Comments that the analysis area covered by the EA should have been larger.</u>

EA should be done on an area greater than just Mt. Watson Road.

Why wasn't a plan assessed for the use of both sides of Highway 267? It's a shame to pit one group against the other when with a little imagination you could work with the snowmobilers/skiers and snowshoers.

Recommend the USFS expand the EA to consider "no snowmobiles," use east of Highway 267. The alternatives in the EA are far too narrow in scope and do not allow for the alternative of mitigating this snowmobile use with a non-motorized vehicles winter recreation use area.

EA should address the impacts on the whole forest by proliferation of private snowmobilers who use the groomed trail to access the whole forest.

Snowlands Network submitted an alternative during the EA scoping period proposing to prohibit OSV,s in the area east of Highway 267.

The purpose and need of the project is to address <u>commercial</u> OFG and associated grooming operations in the north shore area between Highway 89 and Highway 267. Therefore, considering other areas would be outside the scope of this EA. Changing the Martis Peak Area (east of Highway 267) to non-motorized use only would require a Forest Plan amendment. The LTBMU Forest Supervisor decided not to consider a Forest Plan amendment at this time. This could be addressed in the upcoming Forest Plan revision.

Since all action alternatives result in significant adverse effects of the commercial snowmobile use on other winter recreation uses, Snowlands urges the Forest Service to abandon the current EA and embark on a new one that is larger in scope (larger project area).

It has not been determined that "significant adverse effects of the commercial snowmobile use" exists under all action alternatives (reference 4.2.5). A larger project area would require a change in the Purpose and Need statement. The upcoming Forest Plan revision is expected to address those other (non-project) areas of National Forest lands within the entire Lake Tahoe Basin.

C. <u>Comments about emissions from snowmobiles and the impact of those emissions on air and water quality.</u>

Is the emissions data based on the most recent information from the Yellowstone National Park (NP) plan, or is it from an earlier (flawed) plan?

The data is based on the most recent available information (reference section 3.3.3.1 and subnote 1.), from the Yellowstone NP Plan and from other information sources as referenced in the EA. The emissions data applied in the EA also is consistent with the National Park Service's February 2000 revision of their October 1999 report ("Air Quality Concerns Related to Snowmobile Usage in National Parks").

The watersheds of the North Shore are over-run by snowmobiles spewing hydrocarbons into the snow or meadows. No mention of these residues entering Lake Tahoe via snowmelt has been mentioned in the EA.

Hydrocarbons (HC) are addressed in the EA (reference 3.3.2 and 3.3.3). In mid-September 2001 the U.S. Environmental Protection Agency (EPA) announced it would propose to adopt a standard to reduce snowmobile hydrocarbon emissions in 2006. Within the Lake Tahoe Basin, the Tahoe Regional Planning Agency (TRPA) does not have a threshold measure (standard) for HC. The EA project record has a more specific summary of the HC emissions (reference 3.3.2). For water quality (reference 4.4.) there has been limited Lake Tahoe Basin specific research information available and therefore, the Lake Tahoe Watershed Assessment and the Yellowstone National Park research are referenced. Lake Tahoe Basin water quality monitoring conducted by the Forest Service and TRPA to date focuses on those nutrients (primarily nitrogen and phosphorous) that have a recognized impact on the growth of algae in the lake. Commercial snowmobiles would not be allowed under any of the action alternatives to ride over a wet meadow. Chemical analysis reports of common hydrocarbons (e.g. benzene, ethylbenzene, toluene and xylenes), from community water system providers adjacent to the project area (Tahoe City Public Utilities District –TCPUD, and Incline Village General Improvement District –IVGID) reflect there were no detectable concentrations of these hydrocarbons in the community water supply. Copies of their respective chemical analysis reports are available in the project record.

EA neglects to track the fuel/oil waste expelled from properly tuned 2-stroke snowmobiles.

What the EA has apparently not considered is what happens to the contaminants entrained in the snow when the snow melts in the spring (in the spring contaminants then flow into the groundwater and can be discharged at one or more locations).

The fuel/oil wastes from a "properly tuned" 2-stroke snowmobile have been evaluated in the EA (reference 4.4). Given the limited local scientific research data, the EA references other studies on the effects of snowmobile use on snowpack chemistry (reference 4.4.1). These studies concluded that "although snowmobiles did generate snowpack depositions, but that affect is undetermined as there is no current evidence of measurable changes in water quality or effects on aquatic resources." Further, the studies concluded that "localized emission levels in snow along highway corridors generally are dispersed into the surrounding watersheds at concentrations below levels

likely to threaten human or ecosystem health."

The threat of snowmobiles to groundwater quality and regional drinking water resources has not been considered at all in this EA.

The EA considers snow pack depositions by snowmobiles and the potential effects upon groundwater. Referenced in the EA (section 3.4 and 4.4), the Yellowstone National Park study concludes there is no current evidence of measurable changes in the water quality or on aquatic resources. "Localized emission levels in snow along highway corridors generally are dispersed into the surrounding watersheds at concentrations below levels likely to threaten human health or ecosystem health" (reference 3.4). In addition, chemical analysis reports from community water system providers adjacent to the project area (Tahoe City Public Utilities District –TCPUD, and Incline Village General Improvement District –IVGID) reflect either no detectable or a trace concentration of methyl-tert-butyl-ether (MTBE) in the community water supply. TCPUD reported finding less than 0.0005 mg/l (the maximum allowed level is 0.0005 mg/l) and no MTBE was detected in the IVGID community water supply. MTBE-free fuels are used by all of the commercial operators. Also reference a study conducted by the South Tahoe Public Utility District in the Meyers area citing that snowmobiles and highway runoff were not a significant source of volatile organic chemicals (see following comment response).

The EA trivializes the known water quality impacts caused by snowmobiles, and implies that the threat posed by the machines in the project area is well understood and insignificant. It is neither. The Forest Service evaluation of this important topic is technically superficial and is not supported by the published scientific literature nor experiences elsewhere in the Lake Tahoe Basin.

While the EA cites there is little (water quality impacts) scientific data available for the Lake Tahoe area, the EA authors should have used other published studies showing significant water quality impacts resulting from snowmobile usage. The EA needs to consider the results of those studies in the absence of Tahoe-specific data.

The EA applies the most current and applicable scientific information available to date. Not all of the published technical scientific literature was deemed applicable to this EA because of questionably non-objective conclusions and biases. The EA did rely on what is considered to be the best research sources: publications from the Environmental Protection Agency, National Park Service, US Geological Survey and the Lake Tahoe Watershed Assessment. Additional information was solicited through consultation with Ivo Bergsohn, staff hydrogeologist with the South Tahoe Public Utility District (STPUD). The referenced publications are available through the project record file. Those publications do reflect that there is in general, limited objective local research data on this topic (reference 4.4.1.). However, various studies conducted by the STPUD relating to the presence of volatile organic chemicals (note: VOC's are carbon-containing compounds that evaporate easily, such as gasoline), did not indicate that a significant threat exists from snowmobile usage on groundwater quality. Storm water studies of VOCs conducted in the Meyers area (adjacent to Highway 50 and a heavily used

snowmobile course) generated data reflecting that runoff from the highway and urban interface were not a significant source of VOCs.

Snowmobiles are a source of noise and air pollution.

The EA analyzed the effects commercial snowmobiles and associated grooming on noise and air pollution. The EA evaluated the outputs (emissions and sound levels) of snowmobiles and grooming equipment and compared these outputs to established TRPA or other appropriate standards. Neither air quality thresholds nor noise thresholds are exceeded by these activities.

According to the California Air Resources Board, a 2-stroke engine for a personal watercraft produces more smog-forming emissions than a 1998 passenger car driven 100,000 miles. This data applies to snowmobiles. Accordingly, commercial snowmobiling in the subject area exceeds the TRPA threshold number of 1.48 million miles per day for the Lake Tahoe Basin.

The determination that a 2-stroke engine may or may not produce more smog-forming emissions than a 1998 passenger car is outside the scope of this EA. The State of California does not have emissions regulations in place at this time regulating snowmobiles (reference 3.3.2.). As the TRPA maintains air quality thresholds for the Lake Tahoe Basin, the Forest Service EA applied their threshold standards for assessing snowmobile/grooming impacts on air quality. The TRPA has not made a link between snowmobile miles/hours of use and vehicle miles traveled determinations. Relative to all emissions generated in the Lake Tahoe Basin (TRPA data), CO levels are well below current standards. As of 2000, the Lake Tahoe Basin was in attainment of the federal and state standards for Particulate Matter (PM).

EA ignores localized trailside impact of ambient exhaust from commercial snowmobiles.

There were no issues raised during the public scoping comment period that indicated this was a significant issue for the EA. However, the issue of snowmobile/groomer exhaust has been analyzed as an element of the air quality section of the EA (reference 3.3.). There are no TRPA or Forest Service standards for measuring or evaluating the health risks of snowmobile generated airborne emissions, however, Carbon Monoxide (CO) emissions are evaluated as required by the EPA (National Ambient Air Quality Standards). According to the most recent TRPA threshold review for air quality within the Lake Tahoe Air Basin, the CO emissions are in attainment ("well below current standards"). Overall, the air quality within the North Shore project area is in compliance with the Federal Clean Air Act (reference 3.3.1.).

D. **Comments regarding noise associated with snowmobiles.**

Section 4.2.7.1. in the EA shows the corridor of audible sound to be up to 3200-feet wide. If so, the affected acreage is 8921.

Snowmobiles were measured within a prescribed 50-foot distance from a monitored sound source and were within existing agency guidelines for single event noise standards. Sound levels beyond the 50-foot distance would accordingly be less than the standard but would be measured through the CNEL (ambient sound level) monitoring process (reference 3.2.7.). The EA states that approximately 293 acres would be a sound "corridor" where within that acreage, sound levels from snowmobiles would be greater (louder) than in the area beyond the 50-foot monitoring distance (reference 4.2.7.).

E. Comments regarding the range of alternatives considered in the EA.

I am disappointed that the alternatives such as odd-even days for motorized and non-motorized use were not considered..

Snowlands Network submitted an alternative during the EA scoping period proposing to only open the North Shore area to snowmobiles on alternative days. This alternative was not considered nor was a reason given for its elimination in Section 1.7.1. of the EA.

The IDT considered the concept of odd-even days for motorized and non-motorized users but eliminated this option because it was considered to be impractical to enforce and not viable for a commercial OFG operation. The EA identifies other mitigation measures the IDT considered to be more appropriate.

The operators should have been involved in drafting the alternatives e.g. would have proposed (in Alternative 2) using 06 road (Saw Tooth Ridge) as part of an expanded groomed system.

The operators participated in the EA scoping process and had the opportunity to make suggestions, present recommendations and disclose issues relative to the EA. The 06 Road was not included within the EA because it was outside of the management boundary of the Lake Tahoe Basin Management Unit.

F. Comments regarding the requirements of 36 CFR 295 and 40 CFR 1502.16c.

We believe that only Alternative 4 (no action) meets federal regulations requiring the USFS to eliminate motor vehicle use that adversely affects other forest users.

A determination has been made within the planning process for the North Shore project EA that "considerable adverse effects" are not occurring. The presence or existence of forest conflicts must meet that level of determination before the Forest Service could consider and adopt restrictions for the area of concern. The Forest Service Manual (FSM 2355.05) provides direction for determining "adverse," and "considerable adverse off-road-vehicle effects," and none of the action alternatives presented in the EA meets

the criteria for that determination.

Snowlands asserts that commercial snowmobile use in the project area creates significant adverse effects on other forest users, and as per 36 CFR Part 295 the USFS must either mitigate those effects or close the area. It is the responsibility of the forest Service to make changes to eliminate/mitigate the deleterious effects of snowmobile use in the Mt. Watson Management Area as per 36CFR 295.

The EA has made the determination that "considerable adverse effects" would not occur under any alternatives. Applying the criteria as presented in FSM 2355.05, for an "adverse off-road vehicle effect," commercial winter OFG use under the action alternatives meets existing standards for maintenance of the long-term productive capacity of the land; maintenance of air and water quality; maintenance of wildlife habitat and stable and balanced populations of wildlife; maintenance of other existing and proposed uses of this Forest, and preservation of cultural and historical resource values. As defined in the FSM, "considerable adverse effects," would require an adverse effect (that is or would become) "irreparable because of the impossibility or impracticability of performing corrective or remedial measures." No such "irreparable" condition exists.

Part of the assessment determining effects of commercial snowmobile operations and associated grooming on other forest users has been based on the OSV Program (Green Sticker) monitoring reports prepared by LTBMU enforcement personnel. The LTBMU received 4-letters and 1-verbal communication during the 2001/2002 winter season which met the definition of "conflict," as per the guidelines provided in the 2001/2002 Draft Control Language (State of California Off-Highway Vehicle Grants Program). Additional letters suggesting conflicts were occurring were received by the LTBMU during the 2002/2003 OHV grant review process. However, after reviewing and summarizing all monitoring reports (twice-a-week patrols throughout the winter in the North Shore project area), and incident reports, it was concluded that a "significant level of conflict," <u>does not exist</u> in the North Shore project area.

The current LTBMU Land and Resource Management Plan provides land use allocations that support a balance of opportunities for both motorized and non-motorized recreation. Both uses are allowed on the North Shore. Approximately half of the land base in the LTBMU is closed to all motorized recreation. However, all National Forest lands in the LTBMU is open to non-motorized winter recreation activities. Additional non-motorized winter recreational opportunities are available on both California and Nevada State Park lands. Groomed and non-groomed areas are available for cross-country skiing and snowshoeing. Specific Lake Tahoe Basin areas closed to motorized winter recreation include Burton Creek State Park, Sugar Pine Point State Park, Lake Tahoe-Nevada State Park, and a portion of Tahoe Meadows on the Humboldt-Toiyabe National Forest. A groomed (fee) cross-country system is open for public use near Tahoe City and Spooner Lake, and additional cross-country **areas** *are available on the neighboring Tahoe National Forest.*

As part of the mitigations for the conflicts that may occur, the LTBMU has developed a "Snowmobile Guide," to provide all users (motorized and non-motorized) with

information on the location of areas open and closed to snowmobiles, the locations of trailheads and "SNOPARKS. " In addition, another planned mitigation is the development of a Recreational Opportunity Guide (ROG) which will provide the public with information on which winter recreational uses are permitted in specific areas, along with information on winter recreation user ethics (e.g. trail etiquette, courtesy tips).

This EA states that under all alternatives public snowmobiling would still take place.

The focus of this EA was on commercial snowmobiling. Public snowmobiling was not within the scope of this assessment, The current LTBMU Forest and Land Resource Management Plan addresses public snowmobiling.

The EA fails to include an analysis of possible conflicts between the Proposed Action and applicable land use plans, policies and controls (cites 40CFR 1502.16c).

All of the alternatives contained within the EA are consistent with the Land and Resource Management Plan for all National Forest lands within the Lake Tahoe Basin, and the Tahoe Regional Planning Agency (TRPA) Regional Plan for the Tahoe Basin (reference 1.4.1.).

G. <u>Comments criticizing technical details associated with the EA.</u>

Action alternatives do not result in a reduction of actual current levels.

The EA analyzes <u>authorized</u> levels of use (maximum use that would be allowed under the terms and conditions of a Special-Use Permit, reference 1.3). Actual use was not analyzed because it is highly variable due to such things as seasonal fluctuations in market demands and weather conditions (reference 3.2.4.). None of the action alternatives increase the level of authorized use above the current levels reflected in Alternative 1 (reference 2.4 – 2.7).

I think you should (address) snowmobiles in units of hours or snowmobiles-at-one-time in the EA. Snowmobile interactions drop the further away you ride from a trailhead. Why not use a snow level standard for cutoff instead of dates?

The authorized numbers used within the EA are based on a formula that applied an average tour duration time period plus frequency. Based on current levels (Alternative 1.), a maximum total of 56 snowmobiles at-one-time was used (two operators with 25 snowmobiles and one operator with 6 snowmobiles). This approach provided the platform for analysis.

Alternatives 1-3 apply a minimum snow level standard for operations. Only in Alternative 3 is there a cutoff date to mitigate encounters between motorized and non-motorized winter recreationists.

The EA does not take into account the different tours operated by the operators.

i.e. difference between 1-hour and 6-hour tours. Suggest using a snowmobiles-on-the-trail at any-one-time approach or applying user days where 1 user day = 8 hours of use. Would apply to Alternatives 1-3.

The EA IDT identified different tour lengths, but since most tours are 1.5 to 2-hours in length, an average was applied for the analysis. Rather than attempting to analyze hours of use, it was determined that a more appropriate analysis basis is the total number of commercial snowmobiles authorized at one time (56) times the average number of tours per day times the projected number of days per season.

H. <u>Comments regarding wildlife effects.</u>

Serious compaction of these meadows is also an impact. What effect does this have on voles and coyotes?

While there have been some (non-local) studies that have documented compaction of meadow-dwelling rodent tunnels can occur due to snowmobiles, under all of the action alternatives, no commercial OFG activities (including grooming) would take place in "wet" meadow areas. Under Alternative 2 (where expanded riding opportunities would be allowed), all commercial OFG's would be required to avoid identified wet meadows and sensitive riparian areas (reference 2.5.1.).

The discussion of predator/prey affects on forest carnivores listed as "sensitive" species by the Forest Service is addressed in the EA (reference 3.5.4. and 4.5.4.). Effects to these species would represent similar effects to other non-listed forest carnivores such as coyotes and their prey species (such as voles). Voles and coyotes are not "listed" or "proposed for listing" wildlife species (i.e. federally endangered or threatened, Forest Service sensitive or management indicator species, and/or TRPA special interest species) and are not required specifically to be addressed in an environmental assessment.

Item 4.5.1. does not point out that the older wildlife studies on meadow-dwelling rodents were conducted in the Midwest with less than 16-inches of snow. This is much different than the 48-120 inches of snow common in the project area.

Snow depth can be highly variable within a season and from year to year, throughout the North Shore project area. Although 48-120 inches of snow is common in the project area, snow depths less than 48 inches is also common during the beginning and end of the season. Under all action alternatives, commercial snowmobile operations would be allowed with a minimum of 12 inches of continuous snow cover on forest system roads and trails and a minimum of 24 inches for specified areas other than forest system roads and trails. Potential impacts to subnivean habitat and occurring rodent prey species and foraging predators is addressed in the EA (reference 4.5.4.).

Section 4.5 wildlife fails to mention that non-motorized users stress wildlife more than motorized users.

The EA references a Biological Evaluation/Biological Assessment that was prepared for this EA (4.5.1.). In that document (available in this EA's project record), there is additional discussion about the overall impacts of winter recreation use (both motorized and non-motorized) on wintering wildlife. The primary focus of the EA was on commercial OFG snowmobiling and associated grooming.

Section 4.5.1 (Introduction) and the Summary section under 4.5 also refers to published studies, regarding recreational activities, human-wildlife interactions, etc. on the effects of recreation (motorized and non-motorized) on wildlife species. However, establishing direct cause-and-effects of recreation activities on wildlife species is difficult.

I. Comments regarding the Forest Service process for notifying interested and affected parties.

Why were we not notified by you of this comment period due 9/13/02. The environmentalists apparently were notified, and we only coincidentally found-out about it.

The Forest Service made a diligent effort to equitably notify anyone who would be interested in providing comments to the EA. A legal notice was printed in the three primary Lake Tahoe Basin area newspapers notifying the general public of the 30-day pre-decisional comment period due 9/13/02 (North Lake Tahoe Bonanza, Tahoe Daily Tribune and Tahoe World). In addition, we imported the EA with maps into a LTBMU website that was accessible by anyone with internet access. When contacted by individuals requesting a hard copy of the EA, we responded that same day. The notifications appeared to have received wide distribution as we received approximately twice the number of pre-decisional comments as were on the original draft EA mailing list.

J. Comments regarding parking.

Lack of parking limits public access into the groomed trail system.

The lack of public parking has been identified in the EA, and efforts have been made in the past few years (with no success) to increase public parking opportunities into the North Shore project area. It was not part of the Purpose and Need of the analysis to evaluate the addition of public parking (reference section 4.2.3. of the EA). Additional analysis of this issue could be addressed during the upcoming Forest Plan revision.

K. Comments regarding the snow grooming program.

The EA does not mention the impact of grooming itself.

The resource effects of snow grooming are discussed in the EA (reference 4.2.2.). Further, both noise and air quality (emissions) from grooming is addressed in the EA (reference 4.2.7 and 4.3.1). There is additional discussion regarding water quality effects from grooming and the effects of groomed trails on wildlife (reference 4.4. and 4.5.).

Item 3.2.2. (Grooming) incorrectly states the number of miles groomed. EA (incorrectly) states 23-miles while State contract indicates 30-miles (difference is 7-miles of the 06 Road).

The EA only addresses the groomed miles within the project area and not the miles groomed under an agreement with the State of California.

Snowlands questions the legality of 3.2.2. continuing grooming activities, since trail grooming was inadequately analyzed in this EA and must be halted if it is in violation of regulations.

USFS violated law by allowing grooming and commercial permits without a thorough EA of the impacts by private and commercial users.

This EA analyzes the effects of grooming operations and commercial outfitter guiding operations. Prior grooming operations in the North Shore project area had been analyzed in a NEPA document (categorical exclusion) supported by a biological assessment/biological evaluation and noise monitoring analysis.